REMARKS/ARGUMENTS

Claims 2, 8, 14, and 20 are amended herein. Claims 2-6, 8-12, 14-18, and 20-24 are currently pending.

Claims 2, 8, 14, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2004/0259555 (Rappaport et al. ('555)) in view of U.S. Publication Nos. 2004/0106410 (Choi et al.), 2002/015935 (Nelson Jr. et al.), 2004/0236547 (Rappaport et al. ('547)), and U.S. Publication No. 2005/0054296 (Chuang et al.).

Rappaport et al. ('555) is directed to a system for automated placement of equipment for obtaining desired network performance. As noted by the Examiner, Rappaport et al. ('555) does not disclose determining a capacity indicator based on path loss, determining a data rate indicator or a cell loading indicator, or determining a client throughput based on a capacity indicator, data rate indicator, and cell loading indicator.

The Examiner cites Choi et al. as disclosing determining a capacity based on path loss information. Choi et al. disclose calculating a same-cell interference and adjacent-cell interference using path loss information between base stations. Path loss information is calculated according to pixel-based traffic volume and a predetermined traffic carrying capacity of the base station. Choi et al. do not show or suggest determining a capacity indicator that estimates communication impairment for a client due to contention or collision. Moreover, the input path loss information used by Choi et al. does not indicate path losses between a selected client and an access point.

Nelson, Jr. et al. describe data rate allocation decisions and do not teach determining a data rate indicator that estimates an achievable data rate for communication by a selected client. Nelson, Jr. et al. calculate an excess power difference which is indicative of the amount of dynamic range available in the transmit power amplifier in a second station. A first station can then make a determination as to whether coding rates which require a higher dynamic range will be acceptable for use by the second station.

Rappaport et al. ('547) is cited as disclosing determining a cell loading indicator. However, Rappaport et al. ('547) do not teach determining a cell loading indicator that estimates communication impairment due to overloading of a cell occupied by a selected client.

Chuang et al. describe how to calculate a throughput characteristic of nodes in a wireless environment model. The throughput S is defined as the probability that a block is transmitted correctly multiplied by the actual data transmission. The analysis takes into account a signal-to-interference ratio for the base offered traffic of the system without taking into account any retransmission. Applicants respectfully submit that Chuang et al. do not show or suggest determining client throughput by multiplying a capacity indicator by a data rate indicator and a cell loading indicator, as set forth in the independent claims.

In a sincere effort to expedite prosecution, applicants have amended the independent claims to clarify that the cell loading indicator is based on an estimated number of clients in communication with said access points, as suggested by the Examiner.

The other references cited, including U.S. Patent No. 5,537,530 (Edgar et al.) and U.S. Publication Nos. 2004/0236547 (Kamali et al.) and 2003/0134641 (Gustafsson et al.), do not remedy the deficiencies of the primary references.

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

Cindy S. Kaplan
Reg. No. 40,043

P.O. Box 2448
Saratoga, CA 95070
Tel: 408-399-5608
Fax: 408-399-5609